

Sr. No.

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Bail App No.10/2026

Reserved on : 02.06.2026
Date of pronouncement: 03.06.2026
Date of uploading: 04.06.2026

Anil Kumar Bakshi

...Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Adv. with
Mr. Vaibav Gupta, Adv.

Vs

UT of J&K & anr.

...Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG
Mr. Bhanu Jasrotia, GA

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER

1. The petitioner has invoked Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for pre-arrest bail in FIR No. 422/2024 registered at Police Station, Rajouri for offences punishable under Sections 316(5) and 326(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) after his application for similar relief came to be rejected on 01.06.2026 by learned Additional Sessions Judge, Rajouri [‘the trial Court’, for short].

2. The prosecution case, in brief, is that during the intervening night of 8th and 9th July, 2024, fire broke out in the Main Branch of Central Cooperative Bank, Rajouri, resulting in destruction of bank records and cash amounting to approximately ₹4,70,000/-. A Fire Incident Report was initially entered in the

Daily Diary of Police Post City, Rajouri. Subsequently, on 27.09.2024, a written complaint was lodged by Sh. Nawaz Anjum Mir, Assistant Manager of the Bank alleging that upon scrutiny of the available records, serious discrepancies and indications of embezzlement were noticed and that fire appeared to have been deliberately caused to destroy the record. On the basis of this complaint, FIR came to be registered.

3. The petitioner, who was serving as Chief Manager of the Bank at the relevant time and subsequently retired on attaining the age of superannuation in December, 2024, apprehended his arrest and approached the trial Court for bail. The record reveals that petitioner was accorded interim protection by the trial Court on 15.07.2024, but his application for anticipatory bail came to be dismissed in default on 22.08.2024. Again petitioner approached the trial Court with fresh application and he was admitted to interim bail on 18.10.2025, which protection continued till his application came to be dismissed by the trial Court on 01.06.2026, citing gravity of the charge.

4. Petitioner is aggrieved of the aforesaid order of learned trial Court primarily on the ground of false implication. It is contention of the petitioner that he has been roped in on the basis of mere suspicion. FIR was initially registered against unknown persons and no direct evidence surfaced during investigation establishing his involvement in causing the fire or committing any act of embezzlement. It is further contended that during the period when interim protection was operating in his favour, he remained available to the investigating officer and complied with every direction issued to him. According to the petitioner, his custodial interrogation is neither necessary nor warranted.

5. Reliance has been placed upon the judgments of Hon'ble Supreme Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra; AIR 2011 SC 312** and **Sushila Aggarwal v. State (NCT of Delhi); (2020) 5 SCC 1** to contend that personal liberty is a valuable constitutional right and anticipatory bail should ordinarily be granted where custodial interrogation is not shown to be necessary.

6. The plea has been opposed on the other side *inter alia* on the grounds that matter involves serious allegations of criminal breach of trust, embezzlement, and destruction of records of a financial institution. The inquiry reports submitted by the Committee constituted by the complainant Bank and Cooperative Society disclosed grave irregularities and indicated suspicious circumstances surrounding the functioning of the branch during the tenure of the petitioner. It is also contended that investigation revealed substantial discrepancies in the financial records and that petitioner's role requires thorough scrutiny.

7. Heard learned counsel for the parties and perused the record.

8. A perusal of the status report would show that during investigation, statements of material witnesses including employees of the Bank have been recorded under Section 183 BNSS. Various financial records, audit reports, trial balances, loan statements, and other relevant documents have been requisitioned from the Head Office of the Bank. It is also borne out from the record that FSL report did not detect any inflammable substance in the exhibits seized from the scene of occurrence and no definite opinion regarding the cause of fire could be rendered.

9. This Court has also taken note of the inquiry reports relied by the prosecution. The first committee constituted by the Complainant Bank appears to have expressed its inability to conclusively determine the cause of fire and observed that multiple possibilities could not be ruled out, whereas, the subsequent committee constituted by the Co-operative Society expressed suspicion regarding the role of the petitioner and recommended further criminal investigation.

10. At this stage, it requires to be noted that observation contained in the departmental or fact-finding inquiry reports cannot, by themselves be treated as conclusive proof of criminal culpability. The findings recorded therein are matters that may be examined during the course of investigation and, where necessary, tested during the trial. This Court is not required to conduct a mini-trial or arrive at definitive findings regarding guilt or innocence, while considering a petition for anticipatory bail.

11. It is not in dispute that petitioner was granted interim protection by the trial Court on earlier occasions. There is no allegation of the prosecution that during the period he remained on interim bail, he violated any condition imposed upon him, attempted to influence witnesses, tampered with evidence, or failed to cooperate with the investigating agency.

12. Notably, the status report filed before this Court indicates that investigation has substantially progressed and that relevant documentary evidence has already been collected from the concerned authorities. The prosecution has not placed any material on record to demonstrate that custodial interrogation of the petitioner is presently required for effective completion of the investigation.

13. The seriousness of allegations cannot by itself be a ground to deny pre-arrest bail when the requirements of investigation can be secured by imposing appropriate conditions. The object of bail is to secure the attendance of the accused during investigation and trial and not to inflict pre-trial punishment.

14. Petitioner is a retired bank official. He has remained available to the investigating agency whenever required. There is nothing on record to indicate that he is likely to abscond, tamper with evidence, or influence witnesses. Nearly two years have elapsed since registration of the FIR, and despite the petitioner having remained under interim protection for considerable periods; the prosecution has not demonstrated any misuse of such concession. In these circumstances, formal arrest of the petitioner at this stage would not serve any purpose.

15. Having regard to the totality of the facts and circumstances of the case, the nature of allegations, the stage of investigation, the conduct of the petitioner, and the settled principles governing the anticipatory bail, this Court is of the considered view that no useful purpose would be served by subjecting the petitioner to custodial arrest at this stage.

16. Accordingly, present petition is allowed. It is directed that in the event of arrest of the petitioner in FIR No. 422/2024, he shall be released on bail on furnishing a surety bond in the sum of ₹1.00 lac (rupees one lac only) and a personal bond of the like amount to the satisfaction of learned trial Court, subject to the following conditions that:

(i) he shall not leave territorial jurisdiction of the trial Court without prior permission;

(ii) he shall appear before the Investigating Officer and trial Court as and when required and shall abide by the conditions of the bail bonds;

(iii) he shall not commit any offence similar to the offence of which he is accused;

(iv) he shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing those facts before the Court or the investigating agency; and

(v) he shall not tamper with the prosecution evidence in any manner whatsoever.

17. It is clarified that any observation made herein is only for the purpose of adjudication of the present bail application and shall not be construed as an expression on the merits of the case during the trial.

18. The petition stands disposed of accordingly.

(Rajesh Sekhri)
Judge

Jammu
03.06.2026
Paramjeet

Whether the judgment is speaking or not?	Yes/No.
Whether the judgment is reportable or not?	Yes/No.